

MEMO ENDORSED



**THE CITY OF NEW YORK
LAW DEPARTMENT
100 CHURCH STREET
NEW YORK, NY 10007**

HON. SYLVIA O. HINDS-RADIX
Corporation Counsel

Susan P. Scharfstein
Special Federal Litigation Division
212-356-2355
sscharfs@law.nyc.gov

October 6, 2023

Honorable Jessica G.L. Clarke (*by ECF*)
United States District Judge
Southern District of New York
500 Pearl Street
New York, NY 10007

Re: Harris v. City of New York, et al., 22 CV 01763 (JGLC)

Dear Judge Clarke:

I am an attorney in the office of the Honorable Sylvia O. Hinds-Radix, Corporation Counsel of the City of New York, counsel for defendants City of New York, Eliezer Pabon, Danielle Hankerson, Suthom Ungcharoen, and Craig Bullard in this action.

I write, pursuant to the discussion during the October 3, 2023 conference, and in keeping with Federal Rule 5.2 and the Southern District of New York ECF Privacy Policy, to ask that the Court seal the personal identifying information (home address) of a retired member of the New York City Police Department contained in ECF # 87, which purports to be an affidavit of service. I note that this sensitive information of a former law enforcement officer appears twice in this docket entry. As the Court has now set a schedule for plaintiff's filing of a fourth amended complaint, service of the pleading on the new defendants, and defendants' response, no prejudice should ensue to any party.

Thank you for your time and attention to the above.

Application GRANTED. The Court concludes that Defendant has met its burden to demonstrate that the interests in filing ECF No. 87 under seal outweigh the presumption of public access under *Lugosch v. Pyramid Co. of Onondaga*, 435 F.3d 110 (2d Cir. 2006). Accordingly, the Clerk of Court is respectfully directed to terminate ECF No. 92 and seal ECF No. 87. Access is restricted to attorneys appearing for the parties and court personnel.

Respectfully submitted,

Susan P. Scharfstein/s/

Susan P. Scharfstein

Dated: October 16, 2023
New York, New York

SO ORDERED.

JESSICA G. L. CLARKE
United States District Judge

cc: Plaintiff pro se (*by first-class mail and email at derrickrlharris@yahoo.com*)
Counsel of record (*by EFC*)